

AMENDMENTS TO THE DRAWINGS

Applicant amends FIG. 1 to show the graphical element for the receivers 106 that are discussed in the specification. A replacement sheet containing the amendment is attached. An annotated replacement sheet pointing out the amendments in red ink is also attached.

Attachments: Replacement Sheet

 Replacement Sheet (Annotated)

REMARKS

Claims 1-17 and 38-45 are pending in the case, claims 18-37 having previously been canceled and claim 45 having previously been added. Claims 8 and 10 have been withdrawn from consideration through restriction. The Office rejected:

- claims 1-5, 7, 11-17, 38 and 40-45 as anticipated under 35 U.S.C. §102(b) by U.S. Letters Patent 6,219,620 (“Park”);
- claim 6 as obvious under 35 U.S.C. §103(a) by Park in combination with U.S. Letters Patent 4,885,724 (“Read”); and
- claims 9 and 39 as obvious under 35 U.S.C. §103(a) by Park in combination with U.S. Letters Patent 6,226,601 (“Longaker”).

The Office also raised a number of informalities with respect to the disclosure. Applicants traverse each of the rejections.

I. RESPONSE TO INFORMALITIES

Applicant requests reconsideration of the restriction requirement. The Office held there were no shared special technical features “as evidenced by the rejections presented below.” (Office Action, Detailed Action, p. 2) However, as is established below, the analysis upon which the Office relies rests upon the Office’s mistaken construction of the claims and/or the references. Accordingly, Applicant respectfully submits that a “special technical feature” is present. Furthermore, that feature is present in the independent claims which are allowable and generic to the withdrawn claims. The withdrawn claims should therefore be rejoined.

The Office Action also noted that the drawings have been accepted. However, Applicant has amended FIG. 1 as described above to conform it to the detailed description by supplying some graphical elements inadvertently omitted. More particularly, the graphical representation of the receivers 106 was omitted and the amendment provides them. There is no new matter added since the amendment conforms the drawings to the written description.

The Office objected to the language of claim 1. Applicant has amended claim 1 to cure the objection. Applicant therefore requests that the objection be withdrawn.

II. RESPONSE TO SUBSTANTIVE MATTERS

There are three sets of rejections—namely, one set of anticipation rejections and two sets of obviousness rejections. For either an anticipation or an obviousness rejection, the cited art must teach all the limitations of the claims. M.P.E.P. §§706.02(j), 2131; *In re Bond*, 15 U.S.P.Q.2d (BNA) 1566, 1567 (Fed. Cir. 1990) (anticipation); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974) (obviousness). In the present case, all of the rejections rely on U.S. Letters Patent 6,219,620 (“Park”) to anticipate the independent claims 1 and 38. However, a careful comparison of Park and these claims reveals that Park in fact fails to anticipate them. All of the rejections therefore fail regardless of whether for anticipation or obviousness.

Both of the independent claims 1 and 38 contemplate multiple transmitters in a cell and that one of those transmitters serve as the gateway to the independent pathway for all the transmitters. More particularly:

- claim 1 recites, “*a plurality of cells each containing a portion of the data sources and their associated transmitters, one of the transmitters within each cell also serving as a gateway for receiving data transmitted from the other data source transmitters within the cell*” (emphasis added);
- claim 38 recites, “*the seismic data sources being organized into a plurality of cells, one of the transmitters within each cell also serving as a gateway for receiving data transmitted from the other data source transmitters within the cell*” (emphasis added).

In each case, there are multiple transmitters in each cell, one of which transmits data from the other transmitters and thereby serves as a gateway for the others.

A careful examination of Park reveals no teaching of this limitation. This aspect of the apparatus disclosed in Park is best shown in FIG. 1 (reproduced below) and discussed at col. 2, lines 21-33:

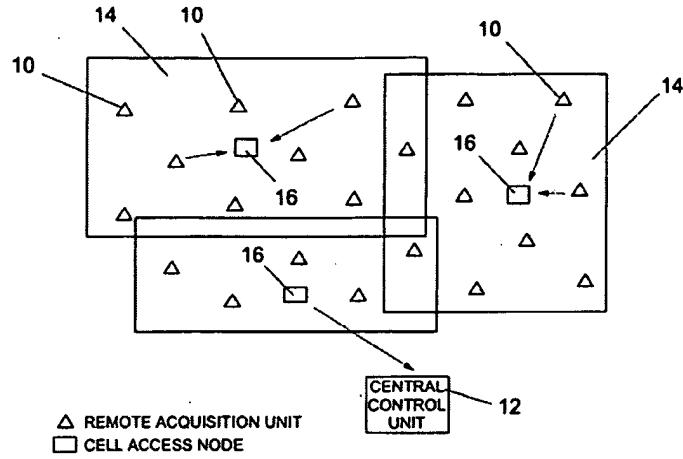


Fig. 1

Referring to FIG. 1, a seismic survey across a "prospects" or area of terrain of interest is conducted by positioning a number of geophone units or remote acquisition units (RAUs) 10 at known locations, typically in a regular array. In the system of the present invention, each RAU 10 can receive signals from and transmit signals to a central control unit (CCU) 12 using wireless telemetry.

The array may be divided up into cells as indicated at 14 each with a transmitter/receiver or cell access node (CAN) 16 acting as a relay between the RAUs 10 and the CCU 12. This division may be required by the nature of the terrain, but is advantageous in any event since it allows the use of low power in the RAUs 10, thus reducing size and cost.

Note that each cell 14 contains only a single transmitter 16 that receives data only from remote acquisition unites 10 and transmits directly to the central control unit 12. None of the transmitters 16 receives data from another transmitter 16 and none of them transmits data to another transmitter 16.

Park therefore cannot anticipate the either claim 1 or claim 38 because it fails to teach (1) multiple transmitters 16 in a single cell 14, and (2) therefore cannot teach that one of a plurality of transmitters 16 serves as a "gateway" to an independent pathway. M.P.E.P. §2131; *In re Bond*, 15 U.S.P.Q.2d (BNA) 1566, 1567 (Fed. Cir. 1990). Furthermore, since the obviousness rejections rely upon Park to teach these limitations, the art on which they are predicated fails to teach all the limitations of the claims. Consequently, the Office has failed to establish *prima facie* that any claim is obvious. M.P.E.P. §706.02(j); *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). Applicant therefore requests that the rejections be withdrawn.

III. CONCLUDING REMARKS

Applicants therefore respectfully submit that the claims are in condition for allowance, and requests that they be allowed to issue. The Examiner is invited to contact the undersigned attorney at (713) 934-4053 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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